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Hey Judge Burke I'm currently in Tallahassee Florida as you can see in the letter above. I was asking can I do my last year or maybe sooner on home confinement simply because the Delta strand of covid is very bad in this facility and I have bad asthma and I'm afraid to get sick. The unit that I'm in 2 people have died cause of it. There's also black mold the showers and the roof is also leaking I'm a trustee here in my unit so I clean the unit daily I'm hoping you can take this in consideration please Thank you in advance

- Tamara Moore

RECEIVED

OCT 29 2021

**AFFIDAVIT IN SUPPORT OF
12 MONTH CCC/RRC PLACEMENT**

I am requesting placement in a Community Correction Center (CCC/RRC) and/or along with home confinement for the last year of my sentence, and without regards to the length of sentence imposed by the Court. I make this request per Public Law 110-199, sec 251, or the Second Chance Act of 2007. This Act states, at 122 STAT 657, 684 (B) (C) (1) and (2), (2008), that the Attorney General take steps necessary to modify the procedures and policies of the Department of Justice with respect to the transition of offenders from the custody of the Bureau of Prisons to the community that said transition be improved upon so as to obtain enhanced opportunities for successful offender re-entry, 122 STAT 685 (3).

Factors to be considered when recommending a year release to a CCC/RRC or combination of House Arrest and CCC/RRC are length of time incarcerated, financial status while in prison, family ties, education, job skills, and the need for extended programming or social skills opportunities upon release. The Case Worker MUST request the year in order for Region to grant or deny the same, or in the alternative, review each individual's request individually, see 2009 U.S. App. Lexis 28061, Clocchetti v. Wiley, December 22, 2009. Due to the fact the Second Chance Act is a new program, BOP Case Workers have been lax in seeking the full year release for the offender; thus I make this specific request in writing.

Previous to the Second Chance Act, the Courts in the Second, Third, and Eighth Circuits have ruled that prisoners must be considered for placement in the CCC/RRC the entire last 180 days of their sentence, rather than the 10% Rule used in the BOP's 28 C.F.R. Sec. 670.20 and 670.21, see JOSE RODRIGUEZ v. WARDEN SMITH, 541 F.3d 1180 (9th Cir. 2008), policy which was held unconstitutional due to non-compliance with the Administrative Procedure Act; see United States v. Cruz, 2006 U.S. Dist. Lexis 92114 citing Woodall v. Federal Bureau of Prisons, 432 E.3d 235, (3rd Cir. 2005).

Now that the Second Chance Act has set forth the heightened standard for re-entry, I respectfully request I be placed in a CCC/RRC the last year of my sentence, or a combination of CCC/RRC and House Arrest.

This Affidavit is for the purpose of stating the truth of the matter and is not meant to mislead in any way.

Respectfully Submitted:

[Signature]

Sworn and subscribed to before me this 25th day of October, 2021

